

General Assembly Substitute Bill No. 314

February Session, 2002

## AN ACT CONCERNING WITNESSES FOR CONVEYANCES AND DOCUMENTS RECORDED ON THE LAND RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- Section 1. Section 47-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):
- 3 (a) All conveyances of land shall be: (1) In writing; (2) if the grantor 4 is a natural person, subscribed, with or without a seal, by the grantor 5 with his own hand or with his mark with his name annexed to it or by 6 his attorney authorized for that purpose by a power executed, acknowledged [and witnessed] in the manner provided for 8 conveyances or, if the grantor is a corporation, limited liability 9 company or partnership, subscribed by a duly authorized person; and 10 (3) acknowledged by the grantor, his attorney or such duly authorized 11 person to be his free act and deed. [; and (4) attested to by two 12 witnesses with their own hands.]
  - (b) In addition to the requirements of subsection (a), the execution of a deed or other conveyance of real property pursuant to a power of attorney shall be deemed sufficient if done in substantially the following form:
- Name of Owner of Record
  By: (Signature of Attorney-in-Fact) L.S.
  Name of Signatory

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20 His/Her Attorney-in-Fact

- 21 (c) Nothing in subsection (b) of this section precludes the use of any 22 other legal form of execution of deed or other conveyance of real 23 property.
- 24 Sec. 2. Section 45a-562 of the general statutes is repealed and the 25 following is substituted in lieu thereof (*Effective October 1, 2002*):
  - (a) The subsequent disability or incompetence of a principal shall not revoke or terminate the authority of any person who acts under a power of attorney in a writing executed by the principal, if the writing contains the words "this power of attorney shall not be affected by the subsequent disability or incompetence of the principal," or words of similar import showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent disability or incompetence; provided the power of attorney is executed [and witnessed] in the same manner as provided for deeds in section 47-5, as amended by this act.
    - (b) If a conservator of the estate of the principal is appointed after the occurrence of the disability or incompetence referred to in subsection (a) of this section, the power of attorney shall cease at the time of the appointment, and the person acting under the power of attorney shall account to the conservator rather than to the principal.
- 41 Sec. 3. Section 42-116t of the general statutes is repealed and the 42 following is substituted in lieu thereof (*Effective October 1, 2002*):
  - (a) No person, except an artist who owns and possesses a work of fine art which the artist has created, shall intentionally commit, or authorize the intentional commission of, any physical defacement or alteration of a work of fine art.
  - (b) The artist shall retain at all times the right to claim authorship.
- 48 (c) To effectuate the rights created by section 42-116s and this 49 section, the artist may commence an action to recover or obtain any of

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- attorney's and expert witness fees, and (4) any other relief which the
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which is signed by the artist.

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- 53 (d) The rights and duties created under section 42-116s and this 54 section: (1) Shall, with respect to the artist, or if any artist is deceased, 55 his heir, legatee or designated personal representative, exist until the fiftieth anniversary of the death of such artist, (2) shall exist in addition 56 57 to any other rights and duties which may be applicable on or after 58 October 1, 1988, and (3) except as provided in subsection (e) may not 59 be waived except by an instrument in writing expressly so providing
- 61 (e) If a work of fine art cannot be removed from a building without 62 substantial physical defacement or alteration of such work, the rights 63 and duties created under this section, unless expressly reserved by an 64 instrument in writing signed by the owner of such building executed 65 [and witnessed] in the same manner provided for deeds in section 47-5, as amended by this act, and properly recorded, shall be deemed 66 waived. Such instrument, if properly recorded, shall be binding on 67 68 subsequent owners of such building.
  - (f) No action may be maintained to enforce any liability under section 42-116s and this section unless brought within three years of the act complained of or one year after discovery of such act, whichever is longer, except that no action may be brought more than ten years from the date of the act complained of.
- 74 (g) The provisions of section 42-116s and this section shall apply to 75 works of art created on or after October 1, 1988.
- 76 Sec. 4. Section 7-24 of the general statutes is amended by adding 77 subsection (f) as follows (*Effective October 1, 2002*):
- 78 (NEW) (f) The town clerk is not required to receive for record any 79 instrument or document for recording on the land records unless there 80 is a blank space one inch in width around the outer edges of such

## 81 instrument or document.

This act shall take effect as follows:	
Section 1	October 1, 2002
Sec. 2	October 1, 2002
Sec. 3	October 1, 2002
Sec. 4	October 1, 2002

## Joint Favorable Subst. PD